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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,062	12/22/2006	Andreas Kuhn	11150/92	5573
26646 7590 09/25/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER ARTHUR JEANGLAUDE, GERTRUDE	
			ART UNIT 3661	PAPER NUMBER
			NOTIFICATION DATE 09/25/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@kenyon.com

**Office Action Summary**

Application No.

10/576,062

Applicant(s)

KUHN ET AL.

Examiner

Gertrude Arthur-Jeanglaude

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/17/06</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 13-15, 17, 22-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagao et al. (U. S. Pub No. 20020099486).

As to claims 13, 25, 26-27, Nagao et al. disclose an occupant protection system for a motor vehicle (See abstract), comprising at least one crash sensor (See paragraph 0034) adapted to measure a motion variable of the motor vehicle (See paragraph 0010); an occupant protection device controllable via an ignition signal (See paragraph 0044) as a function of a time average of the motion variable measured by the crash sensor over at least one first time interval (See paragraph 0052; predetermined cycle time).

As to claim 14, Nagao et al. disclose the motion variable includes acceleration (See paragraph 0041).

As to claims 15, 17 Nagao et al. disclose the control unit (CPU 20a) is adapted to ascertain the ignition signal as a function of a time average of the motion variable measured by the crash sensor over a second time interval different from the first time interval (See paragraph 0056; by resetting the content of a timer, T1, it is considered a second time interval is obtained). Nagao et al. disclose a predetermined time threshold T10 (See paragraph 0057) wherein one would consider having the control unit be adapted to ascertain the ignition signal as a function of time averages of the motion variable measured by the crash sensor in two to five different time intervals.

As to claim 22, Nagao et al. disclose at least one additional crash sensor (See paragraph 0041, 0042 for crash sensors 23, 24) adapted to measure a motion variable of the motor vehicle, the control unit adapted to ascertain the ignition signal as a function of at least one time average of the motion variable measured by the additional crash sensor over a time interval (See paragraph 0056).

As to claims 23-24, 28-29 Nagao et al. disclose the control unit is adapted to ascertain the ignition signal in accordance with a pattern-recognition method and in accordance with at least one of a neural network and a decision tree (See paragraph 0056, 0057 the logical process is capable of executing pattern recognition with neural network and decision tree).

Art Unit: 3661

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagao et al. (U.S. Pub No. 20020099486).

As to claims 16, 18-21, Nagao et al. disclose the control unit is adapted to ascertain the ignition signal as a function of time averages of the motion variable measured by the crash sensor in many different time intervals (See paragraph 0056-0057) but does not specifically disclose the time intervals to be in two to twenty different time intervals; nor does the time interval is between 1ms and 200 ms long; nor does the time intervals are substantially the same length; nor does it disclose at least two time intervals are staggered by between 1ms and 50 ms; nor does it disclose the time intervals are staggered by between 1 ms and 50 ms. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Nagao et al. by expending the time interval or to have different time intervals since it would allow the control of the vehicle occupant protecting device for detection of a rollover motion.

### ***Conclusion***

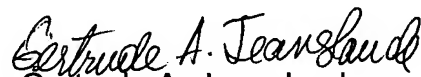
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is

Art Unit: 3661

(571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gertrude A. Jeanglaude  
Primary Examiner  
AU 3661

gaj